Unauthorised absence of IDPL employees

2259. SHRIMATI SARALA MAHESWARI:

SHRI M. A. BABY: SHRI ARANGIL SREE-DHARAN:

Will the PRIME MINISER be pleased to refer to the answer to Unstarred Question No. 1119 given in the Rajya Sabha on the 7th May, 1992 and state:

(a) whether unauthorised absence from duly can be proceeded against under rule 5(7) of CDA rules of IDPL if the period exceeds four days as it constitutes misconduct;

(b) whether Rule 30-A of the IDPL CDA Rules was introduced to take action against employees on unauthorised absence for over 30 days with effect from 30th March, 1990;

(c) whether Government's attention has been drawn to the following orders of the Supreme Court prohibiting termination of service under the Rule 30-A to a date prior to its introduction: "Amended Regulation could not operate retrospectively but only from the date of Amendment", in the civl appeal No. 3154 and 3155 of 1985;

(d) whether Government would indicate cases in which charge sheets were not framed within a week of the detect-tion of unauthorised abssence for over four days alongwith the reasons in each case; and

(e) what action Government propose to take against the management of the IDPL for failure to take action under Rule 5(7)?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Rule 5 of IDPL Conduct. Discipline and Appeal Rules, 197S stipulates a list of misconduct for whichi an employee would be liable to disciplinary action. The list is illustrative and not conclusive. Unauthorised absence is one of such misconduct which will render an employee liable to disciplinary action.

(b) Rule 30-A, which was introduced by the IDPL Management w.e.f. 30th March, 1990, is a special procedure for certain categories of cases and this rule can be invoked in specified circumstances, namely (i) when a post is held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company; and (iii) an empoyee remains on unauthorised absence for 30 days or more.

(c) The operation of the Rule, as reported by IDPL has been made only prospectively and not retrospectively.

(d) and (e) * In respect of matters relating to service conditions of employee an Undertaking, the authority competent is the Board of Directors and Government normally does not interfere in such internal matters of management and discipline. As reported by IDPL, disciplinary proceedings are initiated within reasonable time depending upon the circumstances, reasons for[r] unauthorised absence and the attendant facts. IDPL is a multi-unit company with five manufacturing plants, and 18 Regional Offices in the Marketing Division and, therefore, the process of communication takes some time. Charge-sheet cannot be issued-automatically or mechanically as application of the mind of the disciplinary authority in considering entire facts is a conditon precedent to Such dsciplinary actions. Except in some stray cases where the delay might have been as . a result of protracted correspondence with. the delinquent officers the charge-sheet is normally issued within a reasonable time after a decision is taken by the respective disciplinary authority.

Present postion of M/s. Carews case

2260. SHRIMATI RATAN KUMARI: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 375 given in Rajya Sabha on the 30th April, 1992 and state:

(a) what steps have been taken to set the interim stay granted to M/s. Carews vacated by filing a counter affidavit In reply; and